

**GUIDANCE FOR ADMINISTRATION
OF
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
BROWNFIELDS CLEANUP GRANTS
December 5, 2007**

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1.0 PURPOSE

The purpose of this document is to establish the process by which sub-grants under the New Hampshire Department of Environmental Services (DES) Brownfields Cleanup Revolving Loan Fund (BCRLF) grant will be awarded to eligible applicants for the cleanup of eligible contaminated sites within the State of New Hampshire.

DES is currently authorized under the terms of our BCRLF grant from the United States Environmental Protection Agency to issue up to a total of \$400,000 in cleanup grants for the cleanup of petroleum contaminated properties and up to a total of \$200,000 in cleanup grants for the cleanup of hazardous substance contaminated properties (includes asbestos) with no obligation for repayment from the grant recipient. No more than \$200,000 may be awarded for cleanup on any specific site.

2.0 BACKGROUND

In the early 1990s, stakeholders expressed their concerns to EPA about the problems associated with brownfields across the country. More than 600,000 properties that were once used for industrial, manufacturing, or commercial uses were lying abandoned or under used due to the suspicion of contamination while undeveloped land was being developed for industrial, manufacturing, or commercial uses. This situation contributed to urban sprawl and loss of green space. Brownfields areas, particularly those in city centers, were contributing to blight and joblessness in surrounding communities. Unknown environmental liabilities were preventing communities, developers, and investors from restoring these properties to productive use and revitalizing impacted neighborhoods.

In 1994, EPA responded to the brownfields problem with an environmental protection approach that is locally based, encourages strong public-private partnerships, and promotes innovative and creative ways to assess, cleanup, and redevelop brownfields sites. This approach empowers state, tribal, and local environmental and economic development officials to oversee brownfield activities, and encourages implementing local solutions to local problems.

2.1 The Brownfields Law

On January 11, 2002, the President signed into law the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law). The Brownfields law expands potential federal financial assistance for brownfield revitalization, including grants for assessment, cleanup, and job training. The law also limits the liability of certain contiguous property owners and prospective purchasers of brownfield properties, and clarifies the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) innocent landowner defense to

encourage revitalization and reuse of brownfield sites. The Brownfields Law also includes provisions to establish and enhance state and tribal response programs, which will continue to play a critical role in the successful cleanup and revitalization of brownfields.

DES was awarded a BCRLF grant to establish and manage a revolving loan fund for issuing low interest loans to eligible parties for the cleanup of brownfield sites within the state. The grant also included authorization for DES to establish a sub-grant program for awarding cleanup grants to eligible parties for the cleanup of brownfield sites without the requirement of repayment. The sub-grants may be used to cleanup sites contaminated by petroleum and/or hazardous substances (including hazardous substances co-mingled with petroleum). In awarding sub-grants, DES is bound by the specific requirements and guidelines of its BCRLF cooperative agreement with EPA. These requirements and guidelines have been incorporated within this document. Additional information regarding EPA requirements/restrictions for the use of these funds can be found in the EPA publication EPA-560-F-07-229 entitled "Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants – FY08" which is available online at www.epa.gov/region1/brownfields/funding/general.htm.

3.0 APPLICANT ELIGIBILITY

Eligible applicants include the following:

- Municipalities
- Quasi-governmental organizations
- Regional councils or general purpose units of local governments
- Redevelopment agencies
- Tribal governments
- Non-profit organizations

Other state agencies are not eligible to apply for cleanup grants due to the conditions of DES' BCRLF cooperative agreement. Potentially responsible parties (PRPs), individuals, and for-profit organizations are also not eligible to participate in DES' Cleanup Grant Program.

3.1 Ownership Requirement for Eligibility

The applicant must be the sole owner by fee simple title of the property that is the subject of its cleanup grant application by **June 30, 2008**. An applicant who is not the sole owner of the subject property at the time the grant application is submitted must achieve sole ownership by **June 30, 2008**, to be eligible for funding. The grantee must maintain such sole ownership until all of the cleanup work funded by the grant is completed and approved by DES.

3.2 Due Diligence Requirement for Eligibility

A written American Society for Testing and Materials (ASTM) ASTM E1527-05 or equivalent Phase I Environmental Site Assessment report or a written due diligence report prepared in compliance with the All Appropriate Inquiries Final Rule (70 FR 66070) must be submitted with the application or must have been previously submitted to DES prior to application. This report must be current (**no greater than six months old**) or must be updated within 60 days from the date that the applicant is notified of their selection for a grant award.

In the case of properties purchased prior to November 1, 2006, a written Phase I report completed in compliance with ASTM E1527-00 or equivalent is sufficient, provided the report is updated within 60 days from the date that the applicant is notified of their selection for a grant award.

In addition, a minimum of an ASTM E1903-97 or equivalent Phase II Site Assessment (i.e., a site investigation that meets the requirements of New Hampshire Code of Administrative Rules Env-Or 600 Contaminated Site Management) must have been completed prior to submission of the grant application. Site investigation reports completed in accordance with past DES requests for a site investigation and previously approved by DES satisfy the Phase II Site Assessment requirement.

4.0 INELIGIBLE SITES

The Brownfields Law defines a brownfield site broadly, but does exclude certain sites from funding eligibility unless EPA makes a property-specific determination for funding. This determination will be based on whether or not awarding the grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes.

The Brownfields Law excludes the following four types of properties from funding eligibility and prohibits EPA from making property-specific determinations on these properties: (1) facilities listed (or proposed for listing) on the National Priorities List (NPL); (2) facilities subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decrees issued to or entered into by parties under CERCLA; (3) facilities that are subject to the jurisdiction, custody, or control of the United States government (except land held in trust by the United States government for an Native American tribe); and (4) portions of facilities where there has been a release of PCBs that are subject to remediation under the Toxic Substance Control Act (TSCA).

Note that any portion of a property where there has been a release of PCBs that are subject to remediation under TSCA may be eligible for cleanup grant funding if the grant applicant can demonstrate that brownfields

funding will ensure protection of human health and the environment and promote economic redevelopment or the preservation of green space. DES will seek an EPA eligibility determination for cleanup activities at potential TSCA regulated properties on a property-specific basis.

Generally, the Brownfields law allows awarding of brownfields grant funds for cleanup of petroleum-contaminated sites that meet the definition of “brownfield site” in CERCLA §101(39)(A)-(C) and that: (1) EPA or the state determines are of relatively low risk compared with other petroleum-contaminated sites in the state; (2) EPA and the state determines have no viable responsible party and that will be cleaned up by an entity that is not potentially liable for cleaning up the site; and (3) are not subject to a Resource Conservation and Recovery Act (RCRA) 9003(h) order. Eligibility will be determined on a site-specific basis.

Sites may only receive up to \$200,000 in cleanup grant funds. Therefore, sites that receive a cleanup grant directly from the EPA are not eligible to receive a grant from DES, which is also funded by EPA. In cases where an applicant applies to both the EPA and DES and receives notification of a grant award from both agencies, the applicant shall decline one of the grants and inform the agencies accordingly. In such cases, DES will award declined grants to the next highest scoring application.

Additional information regarding site eligibility criteria may be found in the EPA publication EPA-560-F-07-229 entitled “Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants – FY08”, which is available online at www.epa.gov/region1/brownfields/funding/general.htm.

5.0 PROHIBITIONS ON USE OF GRANT FUNDS

The following limitations on the use of grant funds apply:

- Grant funds cannot be used for administrative costs (refer to Appendix 1).
- Application preparation costs, including associated consultant fees, are ineligible administrative costs.
- No part of a grant can be used to pay response costs at a brownfield site for which the recipient of the grant is potentially liable under CERCLA § 107.
- Grant funds cannot be used for the payment of a federal or state cost-share requirement.
- Grant funds cannot be used to pay for costs to comply with any federal or state law, excluding the costs to comply with laws applicable to the cleanup of the property.

- Grant funds may not be used to conduct site assessment activities.

6.0 PERMISSIBLE USE OF GRANT FUNDS

Permissible uses of grant funds are limited to the following:

- Administrative costs associated with design and performance of the cleanup.
- Administrative costs associated with developing and implementing a limited supplemental investigation to refine DES approved remedial action plans.
- Administrative costs associated with monitoring of a natural resource.
- Expenses for site remediation activities.
- Costs for performance of the cleanup and related limited investigations, monitoring, and financial reporting are considered eligible programmatic costs.

7.0 COST SHARE REQUIREMENT

The Cleanup Grant Program requires a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs (the match must equal 20 percent of the amount of the funding provided by DES and **cannot** include administrative costs, as described in Appendix 1). Non-profit applicants who cannot meet the 20 percent cost share requirement may submit a waiver request based on financial hardship.

8.0 PERFORMANCE PERIOD

The performance period for a cleanup grant is one year. Within one year of receiving the grant award the successful applicant must:

- Submit design plans and construction specifications pursuant to the requirements of Env-Or 606.16 (design plans and construction specifications must be stamped by a professional engineer licensed by the State of New Hampshire).
- Submit a Quality Assurance Project Plan for approval by DES and the EPA.
- Submit and administer a Community Relations Plan.

- Fully implement the DES-approved remedy within 90 days of DES approval of the design plans and construction specifications.
- Achieve compliance with the performance standards of the DES-approved remedy (excluding compliance with the Ambient Groundwater Quality Standards if long-term groundwater monitoring under a groundwater management permit is part of the approved remedy).
- Submit a remedial action implementation report pursuant to the requirements of Env-Or 606.17 for DES approval (remedy completion reports must be stamped by a professional engineer or professional geologist licensed by the State of New Hampshire);
- Submit a groundwater management permit application, if groundwater monitoring under a groundwater management permit is part of the approved remedial action plan or presumptive remedy.
- Submit a draft Notice of Activity and Use Restriction, if management of the direct contact risk associated with contaminated soils is part of the approved remedial action plan or presumptive remedy.
- Submit proof of recordation of any required Notice of Activity and Use Restriction in the chain of title for the property.
- Submit proof of recordation of any required Notice of Groundwater Management Permit in the chain of title for all properties located within the Groundwater Management Zone addressed by the Groundwater Management Permit.

9.0 APPLICATION PROCESS

9.1 How to Obtain an Application

Applications as well as copies of this document may be obtained by contacting the NHDES Brownfields Coordinator, H. Keith DuBois, at (603) 271-2987 or Keith.DuBois@des.nh.gov. This guidance and associated application can also be downloaded from DES' Brownfields Program website at www.des.nh.gov/BrownfieldsNH/.

9.2 Content and Form of Application Submission

Applicants shall submit a complete copy of the Grant Application Form (Appendix 2). Complete application forms shall include all of the information required on pages 1 through 6 of the application as well as the following:

- An attached project proposal that summarizes the cleanup work to be completed.
- Attached responses for Application Sections:
 - V: Project Information, Parts B and C
 - VI: Socioeconomic Benefits
 - VII: Financial Information
 - VIII: Public Involvement
- **Environmental Site Assessment:** The environmental site assessment report shall conform to the procedures of the American Society of Testing and Materials (ASTM) E-1527-05, entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process". This report must include a legal description of the property and history of past owners and operators. This report must be current (no greater than six months old) or must be updated within 60 days from the date that the applicant is notified of their selection for a grant award. This report/update shall be accompanied by a certification form prepared and signed by a qualified person, as defined in ASTM E-1527-05, which states that the report and/or appended update report meet the requirements of ASTM E-1527-05. Environmental site assessment reports and site investigation reports that do not meet the requirements of ASTM E-1527-05 may be submitted with the application in place of the required ASTM E-1527-05 compliant Environmental Site Assessment Report provided an updated ASTM E-1527-05 compliant Environmental Site Assessment Report is submitted to DES within 60 days from the date that the applicant is notified of their selection for a grant award.
- **Redevelopment Plans:** The applicant shall provide a description of the proposed redevelopment and future property use. A reduced size copy (11" X 17") of existing and proposed site layout plans should be provided, if available.
- **Environmental Compliance History:** The applicant shall submit information regarding its overall compliance history including any penalties resulting from environmental non-compliance at the site subject to the grant.
- **Remedial Action Plan:** The applicant shall submit **one** of the following:
 - (1) A DES-approved remedial action plan (RAP) stamped by a professional engineer licensed by the State of New Hampshire.
 - (2) An approvable RAP, stamped by a professional engineer licensed by the State of New Hampshire, that conforms to the requirements

of New Hampshire Code of Administrative Rules Env-Or 600
Contaminated Site Management.

- (3) For sites where DES has agreed (or agrees) a presumptive remedy is appropriate in lieu of a formal Remedial Action Plan (as specified in Env-Or 600), design plans and construction specifications (pursuant to the requirements of Env-Or 606.16) for the presumptive remedy may be submitted to satisfy this requirement. This option would apply to proposed soil/waste excavation and proper off-site disposal/recycling projects. Presumptive remedies involving soil/waste capping and recordation of Notices of Activity and Use Restriction will not be accepted in lieu of a formal Remedial Action Plan (as specified in Env-Or 600) unless DES has determined that: (a) the contaminants involved are not regulated; (b) the presence of the contaminants represent a direct contact risk; (c) the presence of the contaminants have not resulted in a violation of the Ambient Groundwater Quality Standards; and (d) removal and off-site disposal of the contaminated soils within the \$200,000 grant limit is not possible; or (e) removal and off-site disposal of the contaminated soils is not technically feasible.

In cases where DES has already approved a RAP, the applicant shall reference the approved RAP and submit a copy of DES' RAP approval letter or Notice of Approved RAP. Re-submission of the RAP document is not required.

- ***Summary of Proposed Cleanup Actions:*** The applicant shall submit a summary of the remedial actions to be completed in connection with the grant funds and the corresponding performance standards to be met during completion of the cleanup. The summary must be provided in both a narrative and table format. The summary should demonstrate the applicant's knowledge of DES procedures, policies, and rules for the cleanup of contaminated sites.
- ***Detailed Budget:*** The applicant shall submit a detailed budget for the project that demonstrates knowledge of the required funding to: (a) implement the remedial action; (b) develop and administer a Community Relations Plan; (c) develop and submit a Quality Assurance Project Plan (QAPP) for approval by the EPA and DES; (d) prepare design plans and construction specifications consistent with the requirements of Env-Or 606.15 Contaminated Site Management – Remedial Action Implementation and Env-Or 606.16 Contaminated Site Management – Design Plans and Construction Specifications; (e) prepare a remedial action implementation report in accordance with the requirements of Env-Or 606.17 Contaminated Site Management – Remedial Action Implementation Report; (f) prepare a groundwater management permit

application (if required as part of the approved remedial action plan or presumptive remedy); and (g) prepare and record any required Notice of Activity and Use Restrictions or Notice of Groundwater Management Permit.

- **Cost Share:** The applicant shall provide a description of funding and/or “in kind” services the applicant will contribute to the cleanup project to meet the 20 percent cost share requirement. In the case of non-profit organizations, a request for waiver of the 20 percent cost share requirement with appropriate documentation of the organization’s inability to meet the 20 percent cost share requirement can be submitted.
- **Non-Profit Status:** Non-profit applicants shall submit sufficient documentation to demonstrate their status as a non-profit organization.
- **Affirmation of Site Eligibility:** The application shall submit affirmation that the site is: (a) not listed or proposed for listing on the National Priorities List; (b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; (c) not subject to the jurisdiction, custody, or control of the United States government; and (d) not subject to remediation under TSCA. For TSCA regulated sites, the applicant shall include sufficient text to demonstrate that brownfields funding will ensure protection of human health and the environment and promote economic development or the preservation of green space. In which case, DES will seek a site specific eligibility determination from the EPA.

Applications found to be incomplete will not be considered in the grant award process.

DES may request submittal of additional information if DES determines a site specific eligibility determination is required in accordance with the conditions of DES’ BCRLF cooperative agreement with the EPA.

Applications must be concise and well organized. Responses to Application Scoring Criteria (Sections V through VIII) must include the criteria number, title, and text of the criteria. Factual information about your proposed project and community must be provided. Please do not include discussion of broad principles that are not specific to the proposed work or project covered by the application.

All proposal materials must be completed in English.

Upon receipt, applications will be reviewed for completeness and, if deemed complete, will be distributed to evaluators.

9.3 Submittal Deadlines and Methods of Submittal

All applications submitted to DES via the U.S. Postal Service or commercial delivery services must: (1) include **four (4)** copies of the complete application package; (2) bear a postmark of **February 15, 2008** or earlier; and (3) be addressed to:

H. Keith DuBois
Brownfields Program Coordinator
Waste Management Division
New Hampshire Department of Environmental Services
P.O. Box 95, 29 Hazen Drive
Concord, NH 03302

Applications submitted in PDF format via e-mail must be received by the Department on or before **11:59 PM February 15, 2008** and should be sent to the Brownfields Coordinator at Keith.DuBois@des.nh.gov. Please note that all electronic (e-mail) submissions must meet DES requirements for electronic submittals as presented in "Waste Management Division Electronic Submittal Guidelines" which can be downloaded from the internet at [www.des.nh.gov/orcb/doclist/Electronic Submittal Guidelines.pdf](http://www.des.nh.gov/orcb/doclist/Electronic%20Submittal%20Guidelines.pdf). Questions regarding the Department's requirements for electronic submittals should be addressed to:

- Brett Rand (603) 271-7379 or
- Debbie Libby (603) 271-2979

Applications postmarked by the USPS/commercial delivery service or received via electronic submission after **11:59 PM on February 15, 2008** will not be considered for the 2008 grant year. Applications submitted via e-mail which do not meet DES requirements for electronic submittals shall be deemed late and incomplete and will not be considered for the 2008 grant year.

Facsimile delivery of applications is not permitted, nor is any form of delivery not listed above.

10.0 RANKING CRITERIA FOR GRANT APPLICATIONS

Unless noted otherwise, sub-questions/sub-items under each criterion will have equal weight. For example, for a 10 point criterion with five sub-questions, each sub-question will be worth two points. Applications will be evaluated based on the extent and quality to which the criteria are addressed.

- **Section V, B: Project Information: Protection of Human Health and the Environment** – This section contains three sub-questions each worth five points for a maximum score of 15 points.

- **Section V, C: Project Information: Budget** – Provide the proposed budget for the cleanup project, including a detailed description of each task. Identify the specific activities for which the grant proceeds will be used and the specific activities for which the 20 percent cost-share contribution will be applied. The budget should include funding for community involvement in the form of public meetings and outreach. This section is worth 10 points.
- **Section VI: Socioeconomic Benefits** – This section contains two sub-categories. Sub-category A is worth 12 points and contains three sub-questions each worth four points each. Sub-category B is worth 12 points and contains four sub-questions worth three points each.
- **Section VII: Financial Information** – This section is worth a total of 10 points and contains two sub-questions each worth five points.
- **Section VIII: Public Involvement** – This section is worth a total of 10 points and consists of five sub-questions each worth two points.
- The **Summary of proposed cleanup actions** as described on page 9 of this guidance is worth a score of 10 points.

11.0 REVIEW AND SELECTION PROCESS

Applications received by DES will be initially reviewed by members of DES' Brownfields Program for completeness and eligibility. Incomplete applications will be deemed ineligible. Applicants deemed ineligible for funding consideration will be notified within 30 calendar days of the ineligibility determination. Each application deemed to be complete and eligible for funding will be reviewed by a three person panel comprised of members of DES' Brownfields Program. The evaluation panel will base their evaluations solely on the ranking criteria described in this document and will assign an evaluated point score to each application. DES will consider information supplied by the applicant and may consider information from other sources including DES files and prior grantors (e.g., to verify and/or supplement the information provided by the applicant).

The completed evaluations will then be referred to DES' Brownfields Program Coordinator, who is responsible for further consideration of the applications and final selection of grant recipients. Applications will be selected for award by the Brownfields Program Coordinator based on their evaluated point scores, other information supplied by the applicant, and the availability of funds. Applicants selected to receive a cleanup grant, which do not have sole ownership of the property at the time of application submission must obtain sole ownership of the property before **June 30, 2008**.

Applicants selected to receive a cleanup grant, which do not have a current environmental site assessment that meets the requirements of ASTM E-1527-05 at the time of application submission must obtain a current site assessment that meets the requirement of ASTM E-1527-05 within **60 days** of receiving notification of selection for a grant award. DES will find applicants ineligible for the award who have: (1) not obtained sole ownership of the property selected for cleanup grant funding before **June 30, 2008** and (2) not submitted a current environmental site assessment that meets the requirements of ASTM E-1527-05 within **60 days** of receiving notification of selection for a grant award. After **July 30, 2008**, subject to the availability of funds, DES may select other applicants from a ranked list of non-selected applicants who have sole ownership of the property and current environmental assessments that meet the requirements of ASTM E-1527-05 within **60 days** of the secondary selection notification.

12.0 AWARD NOTIFICATION INFORMATION

As noted above, DES will notify applicants of their eligibility and completeness status within **30 calendar days** of submittal of their application. DES will notify applicants who have not been selected for grant award based on the ranking criteria and other factors within **15 calendar days** of DES' final decision on selections for this competition.

DES anticipates notification to successful applicants will be made via telephone, e-mail, or formal letters sent through the US Postal Service by **April 15, 2008**. This notification, which advises that an applicant's proposal has been selected for award pending compliance with the site ownership and due diligence requirements, is not an authorization to begin performance of the cleanup. An award notice signed by DES' Brownfields Coordinator specifically authorizing initiation of cleanup work under the grant will be the authorizing document and will be provided through standard postal mail. A cooperative agreement will be provided with the award notice.

The notification and cooperative agreement will be sent to the original signer of the application or the project contact listed in the application.

13.0 GRANT MANAGEMENT – FUNDING DISBURSEMENT

Grant funds will be disbursed in accordance with the terms of a cooperative agreement.

14.0 GRANT REPORTING REQUIREMENTS

Grant reporting requirements will be stipulated in a cooperative agreement. Generally, grant recipients will be required to submit progress reports to DES on a quarterly basis. The progress reports shall cover work status, work progress, difficulties encountered, preliminary data results, and a statement of the activity

anticipated during the subsequent reporting period. A discussion of expenditures along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project.

Additionally, the grant recipient will be required to submit to DES a final Remedial Action Implementation Report and documentation of proper recordation of any required Notice of Activity and Use Restriction or Notice of Groundwater Management Permit at the close of the grant. The final report must also include a summary of the goals and objectives, performance measurements, lessons learned, any other resources leveraged during the project and how they were used.

APPENDIX 1 PROHIBITIONS ON USE OF FUNDS

Grant funds may not be used for the payment of:

- A penalty or fine.
- A federal or state cost-share requirement.
- An administrative cost (see below).
- A response cost at a brownfield site for which the grant recipient is potentially liable under CERCLA § 107.
- A cost of compliance with any federal or state law, excluding the cost of compliance with laws applicable to the cleanup.
- Unallowable costs (e.g., lobbying and fund raising) under OMB Circulars A-21, A-87, or A-122, as applicable.

Administrative Cost Prohibition

The Brownfields Law prohibits the use of any “part of a grant or loan” for the payment of an administrative cost. Implementing this prohibition, EPA has made a distinction between prohibited administrative costs and eligible programmatic costs.

1. **Administrative Costs** – Prohibited administrative costs are direct costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements for Grants* contained in 40 CFR Part 30 or 40 CFR Part 31. Direct costs for grant administration are ineligible even if the grantee or sub grantee is required to carry out the activity under the grant agreement. Prohibited administrative costs also are all indirect costs under OMB Circulars A-21, A-87, and A-122, and Subpart 31.2 of the *Federal Acquisition Regulation*.
2. **Management Fees** – Grant recipients must not include management fees or similar charges in excess of the direct costs in budgets for cleanup grants. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under the Brownfields grants as administrative costs.

APPENDIX 2

**APPLICATION FOR BROWNFIELDS CLEANUP GRANT
FROM
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICE**



APPLICATION FOR BROWNFIELDS CLEANUP GRANT FROM NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES

The purpose of the Brownfields Cleanup Grant program is to provide funds from the Department's Brownfields Cleanup Revolving Loan Fund in the form of a grant, rather than as a loan, to eligible parties to facilitate the cleanup and redevelopment of contaminated properties, promote economic development, and/or enable the creation or preservation of green space. Eligible parties are municipalities, quasi-governmental organizations, regional councils or general purpose units of local governments, redevelopment agencies, and non-profit organizations. Entities identified as "Potentially Responsible Parties" for existing contamination are not eligible to participate in this program. To determine grant eligibility, the following must be submitted with this application form (please attach additional sheets as necessary to provide the requested information):

- Environmental Site Assessment Report which meets the requirements of ASTM E-1527-05 or the All Appropriate Inquiries Rule (70FR66070). In the case of properties purchased prior to November 1, 2006, a written Phase I Environmental Site Assessment Report completed in compliance with ASTM E1527-00 or equivalent is sufficient. In addition, a minimum of an ASTM E1903-97 or equivalent Phase II Site Assessment (i.e. a site investigation report that meets the requirements of New Hampshire Code of Administrative Rules Env-Or 600, Contaminated Site Management) must be submitted to the Department prior to application submission. **Please refer to "Guidance for Administration of New Hampshire Department of Environmental Services Brownfields Cleanup Grants" for further information regarding this requirement. There are allowances for submittal of updated Environmental Site Assessment Reports after application submittal and prior to formal awarding of the grant.**
- Proposed redevelopment and future property use description.
- Environmental compliance history of the applicant.
- A Department approved/approvable Remedial Action Plan (may be a presumptive remedy if applicable and appropriate, i.e. removal action). **Please refer to "Guidance for Administration of New Hampshire Department of Environmental Services Brownfields Cleanup Grants" for further information regarding this requirement.**
- Summary of remedial actions to be completed in connection with the grant funds. (This requirement is worth 10 points in the application scoring process). **Please refer to "Guidance for Administration of New Hampshire Department of Environmental Services Brownfields Cleanup Grants" for further information regarding this requirement.**
- A detailed description of the remedial actions to be completed and a detailed budget for the implementation of the proposed remedial action(s).
- Statement of how the applicant proposes to meet the 20 percent cost share requirement of the program or, in the case of non-profit organizations, a request for waiver of the 20 percent cost share requirement with appropriate documentation of the organization's inability to meet the 20 percent cost share requirement.
- For non-profit applicants, documentation demonstrating their non-profit status.
- Affirmation that the site is: (a) not listed or proposed for listing on the National Priorities List; (b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; (c) not subject to the jurisdiction, custody, or control of the United States government; and (d) not subject to regulation under the Toxic Substance Control Act (TSCA). **Please refer to "Guidance for Administration of New Hampshire Department of Environmental Services Brownfields Cleanup Grants" for specific site eligibility determinations for TSCA regulated sites.**

I. Applicant Information

Applicant Name: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Telephone No.: _____ E-mail: _____

Contact Person: _____ Title: _____

Contact's Telephone No.: _____ E-mail: _____

Please check the applicable box:

- ☐ Municipality
☐ Redevelopment agency
☐ Non-profit organization
- ☐ Other, describe: _____

II. PROPERTY INFORMATION

Property/Site Name: _____

DES and/or EPA Site #: _____

Street Address: _____

City/Town: _____

Tax Map/Lot No.: _____

County Registry of Deeds Book and Page Reference(s): _____

Property Owner Name: _____

Street Address: _____

City/Town: _____ State: _____ Zip Code: _____

Telephone No.: _____

III. AFFILIATION OF APPLICANT

Check the appropriate answer to the right of the question and provide additional information on a separate sheet, if necessary.

- A. Has the applicant ever been affiliated with past owners of the property and/or past or current operators of the facility?.....☐ Yes ☐ No

If yes, describe the affiliation.

- B. Prior to its ownership of the property, did the applicant have any contact or involvement with the property not disclosed in response to question III.A.?.....☐ Yes ☐ No

If yes, describe the nature and extent of the contact or involvement.

IV. APPLICANT INTEREST IN PROPERTY

Check all that apply.

- ☐ Prospective Purchaser (Note: Applicant must acquire sole ownership of site prior to **June 30, 2008**? ☐ Yes ☐ No
- ☐ Current Owner
- ☐ Municipality with tax lien
- ☐ Other, describe: _____

V. PROJECT INFORMATION (attach additional sheets as necessary to provide the information requested)

A. Types of contaminants found (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Petroleum products | <input type="checkbox"/> Lead |
| <input type="checkbox"/> Asbestos | <input type="checkbox"/> Other metals _____ |
| <input type="checkbox"/> VOCs | <input type="checkbox"/> PCBs |
| <input type="checkbox"/> PAHs | <input type="checkbox"/> Other _____ |

Media affected (check all that apply):

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Soil | <input type="checkbox"/> Groundwater | <input type="checkbox"/> Soil Vapor |
| <input type="checkbox"/> Air | <input type="checkbox"/> Drinking Water | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Surface Water | <input type="checkbox"/> Sediments | |

B. The applicant shall provide information on how the grant proceeds will be utilized to protect human health and the environment. Documentation shall include one or more of the following (15 points total):

Specific examples and levels of human health risks that exist and which will be mitigated by activities funded with the grant proceeds. (5 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

Specific environmental improvements that can reasonably be expected to result from activities funded with the grant proceeds. (5 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

A description of how the proposed clean up and redevelopment of the property will ensure that the property will be protective of human health and the environment and consistent with the planned reuse of the property. (5 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

C. Provide the proposed budget for the cleanup project, including a detailed description of each task. Identify the specific activities for which the grant proceeds will be used and the specific activities for which the 20 percent cost-share contribution will be applied. (10 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

VI. SOCIOECONOMIC BENEFITS (attach additional sheets as necessary to provide the information requested)

The applicant shall provide detail on how the grant proceeds will be used to: (a) promote economic development; (b) promote environmental justice; (c) enable the creation, preservation, and addition to parks, greenways, green space, undeveloped property, other recreational resources; and/or (d) property for use for nonprofit purposes for which there is a demonstrated need within the community.

- A. If the grant proceeds will be used for cleanup activities that result in promoting economic development and/or environmental justice within the community, the applicant shall provide the following information (12 points total):

A description of economic development benefits that can reasonably be expected to occur as a result of the activities funded with the grant proceeds (e.g., number of jobs created, estimated increase in property tax base to the community, additional business expansion or new business relocation that may occur within the community). (4 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

A description of how redevelopment of the brownfields property will contribute to community-wide redevelopment and revitalization plans as well as the promotion of environmental justice. (4 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

A description of new businesses or business expansions that are planned for the brownfields property. (4 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

- B. If the grant proceeds will be used for cleanup activities that will enable the creation or preservation of green space, recreational activities, undeveloped property, or property used for nonprofit purposes for which there is a demonstrated need within the community; the applicant shall provide the following information (12 points total):

A description of the proposed park, recreational property, green space, undeveloped space, or non-profit property use (including size, use, and surrounding environment) that will be preserved or created as a result of the grant proceeds. (3 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

A description of how the property will be used and by whom. (3 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

A description of how the property will be integrated with surrounding properties or environments. (3 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

A description of how the property will be maintained or preserved for its continued use as a green space, recreational area, etc. (3 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

VII. FINANCIAL INFORMATION (10 points total)

- A. Describe the degree to which other funding will be leveraged for the cleanup and/or redevelopment of the site. (5 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**

- B. Describe the applicant's experience managing Federal or State grants. (5 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**
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VIII. PUBLIC INVOLVEMENT (10 points total)

- A. Describe how the targeted community was or will be notified of your proposed plans should your proposal be selected for funding. Describe the means by which you notified or will notify the community of your plans and by what means they provided or may provide comments. Please note that the notification is to citizens or members of the public, not exclusively to government officials. (2 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**
- B. Explain why the notification method proposed above was/is the most appropriate way to reach your target community. Provide any details that justify your notification plans. (2 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**
- C. How long of a comment period did/do you propose (if less than 30 days please explain why)? What forms of outreach did/will you employ to encourage community comment over this period? (2 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**
- D. What were/are your plans for addressing comments received? (2 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**
- E. Describe your plans for ensuring ongoing community involvement. (2 points) **ATTACH ADDITIONAL SHEETS AS NECESSARY**
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AFFIRMATION OF SITE AND APPLICANT ELIGIBILITY

I, the undersigned, being first duly sworn do attest upon my oath as follows:

- 1) _____ (the "Applicant") has accurately disclosed to the New Hampshire Department of Environmental Services all information known to it, or in its possession or control, which relates to responsibility for releases or threatened releases of hazardous wastes or materials or petroleum substances at the property;
- 2) The information in this application, and all other documentation submitted in support of this application, is accurate and complete to the best of the Applicant's knowledge;
- 3) Neither the Applicant, nor any of its officers, directors, or affiliates:
 - a) caused or contributed directly or indirectly to any contamination or releases of hazardous wastes or materials or petroleum substances at the property;
 - b) currently operates or controls, or ever operated or controlled a facility at the property for the storage, treatment or disposal of hazardous wastes or materials or petroleum substances;
 - c) disposed of, or arranged for the disposal of hazardous wastes or materials or petroleum substances at the property;
 - d) generated hazardous wastes or materials or petroleum substances that were disposed of at the property.
- 4) The Applicant has never been suspended, debarred, or otherwise declared ineligible for Federal financial assistance programs;
- 5) The Applicant is authorized to enter into legally binding agreements;
- 6) The Applicant agrees that acceptance of any form of financial assistance from the New Hampshire Department of Environmental Services constitutes its agreement to include the New Hampshire Department of Environmental Services and the U.S. Environmental Protection Agency in any public relations events or materials related to the project, and to cooperate with and permit the agencies to publicize their involvement, for marketing and public relation purposes, in the financing, including, but not limited to, signage, press releases, public events and promotional materials.

I am an authorized representative of the Applicant and make the above statements based upon my personal knowledge subject to applicable penalties for perjury and making false claims.

Applicant: _____

Signature: _____

Date: _____